REMARKS

Claims 1, 4 - 24 and 26 are presently pending. Claims 1, 6 – 10 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang ('750) in view of Chang *et al.*, hereinafter 'Chang', ('307). Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, Chang and further in view of well-known prior art. Claims 20 - 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable under Wang in view of well-known prior art. Claims 11 - 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, Chang and Anderson *et al.* ('750) hereinafter 'Anderson'. Claims 14 - 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, Chang, Anderson and well-known prior art. Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, Chang, Anderson and Campanella *et al.* ('366), hereinafter 'Campanella'. Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, Chang, and Campanella. Claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, well-known prior art and Campanella.

For the reasons set forth more fully below, Applicants respectfully submit that the subject Application properly presents Claims patentable over the prior art. Reconsideration, allowance and passage to issue are respectfully requested.

As noted previously, the subject application teaches a novel receiver design by which first and second bands are received, each band having multiple carriers. The novel receiver is particularly well suited for satellite radio applications by which multiple carriers are transmitted within first and second ensembles by first and second satellites and a terrestrial repeater. The invention is set forth in Claims of varying scope of which Claim 1 as amended is illustrative. Claim 1 now recites:

> 1. A receiver comprising:
> first means for receiving signals in a first band, said first band including multiple carriers;
> second means for downconverting said received signals in the first band;
> third means for receiving signals in a second band, said second band including multiple carriers;
> fourth means for downconverting signals in the second band; and
> fifth means for selectively outputting signals from the first band or the second band. (Emphasis added.)

None of the references teach, disclose or suggest the invention as presently claimed. That is, none of the references, taken alone or in combination, teach, disclose or suggest a receiver adapted to receive signals in first and second bands each band having multiple carriers, and **adapted to selectively output signals from the first band or the second band**.

In the above-identified Office Action, the Examiner again relied heavily on Wang while noting that Wang does not teach first and second bands including multiple carriers.

However, the Examiner suggests that this shortcoming is overcome by the teachings of Chang. Chang purports to teach techniques for utilization of bandwidth space assets. The Examiner suggests that at column 5, line 38 through column 6, line 25 Chang discloses a satellite receiver with a spectral band divided into smaller subbands and that this teaching is equivalent to providing subbands with multiple carriers. The Examiner suggests that at the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Wang with the teachings of Chang for the purpose of increasing system capacity to allow more subscribers to simultaneously use the system. However, there are several shortcomings associated with this assertion.

First, there is no reason to combine the teachings of Wang and Chang. Secondly, the combination still falls short. That is, neither reference discloses means for "selectively outputting signals from the first band or the second band" as set forth in the claims. That is, neither reference teaches a receiver adapted to receive first and second bands with multiple carriers and having means for selectively outputting signals from the

first band or second band as presently claimed. Hence the rejection of Claim 1 and the claims dependent thereon are improper and should be withdrawn.

Further, contrary to the assertions of the Examiner, for the reasons set forth above, the teachings of Wang and Chang would not render obvious the use of the invention as an interoperable receiver adapted to receive signals in an XM band and a CD band as set forth further in dependent Claims 4 and 5 and independent Claim 20. With respect to these claims, it is noted that the Examiner rejected the claims, suggesting that these claims were obvious in view of Wang, Chang and well-known prior art. However, the Examiner's position is not supported by the prior art. In this connection, it is noted that the XM frequency plan and the CD frequency plan call for the use of ensembles that are dissimilar to each other. Chang, at best, purports to teach the use of a single symmetrical ensemble. Chang clearly does not teach the reception of dissimilar ensembles as would be required in the interoperable receiver of Claim 20. Hence, the rejection of Claims 4, 5 and 20 are also improper and should be withdrawn.

By this Amendment, Claim 26 has been amended to recite the reception of dissimilar ensembles. Hence, for the reasons set forth above, Claim 26 should be allowable as well.

Reconsideration, allowance and passage to issue are respectfully requested.

Respectfully submitted,
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